



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,317	07/18/2003	Ashvin D. Desai	87344.1524	2539

7590 10/14/2004

Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,317	Applicant(s) DESAI ET AL.	
	Examiner Matthew O Savage	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1724

The original copy of the patent to this reissue application has not been surrendered. Either the original patent or a statement addressing the loss or inaccessibility of the original patent must be received before this reissue application can be allowed.

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

The oath fails to identify the specification to which it is directed as required by 37 CFR 1.63(a)(2) [See MPEP 601.01(a)].;

The oath or declaration fails to state that "all errors being corrected in the reissue application up to the time of filing of the oath or declaration arose without any deceptive intention on the part of the applicant".

Claims 1-6 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defects in the declaration are set forth in the discussion above in this Office action.

The drawings are objected to because:

The lead line for element 74 is incorrect in FIG. 3;

The lead line for element 28 is incorrect in FIG. 4;

The lead line and reference number should be deleted from FIG. 3;

The reference number and lead line for element 112 is missing from FIG.

4;

Art Unit: 1724

The lead line for element 116 is incorrect in FIG. 4.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation of the valve control including the second strainer chamber must be shown or the feature(s) canceled from the claim(s). The aforementioned limitation is considered to be new matter for the reasons set forth below. Accordingly, applicant should not amend the drawings to illustrate the limitation unless the associated new matter rejection can be traversed.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

Art Unit: 1724

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitation of the valve control including a second strainer chamber recited on lines 5-8 of claim 5 lacks basis in the original disclosure and is considered new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1, and 4-6, it is unclear as to how the first and second chambers are formed since no structure for defining the chambers has been recited in those claims.

Regarding line 5 of claim 5, "said third and fourth port" lacks proper antecedent basis. Regarding lines 8-10, it is unclear as to how the first and second three way valves relate to the valve control recited on line 4. On line 17, "said coupling means" lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1724

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Oliver.

With respect to claim 1, Oliver discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a first three way ball valve 17 for controlling flow between the first and third ports, and a second three-way ball valve 18 for controlling the flow between the second and fourth ports, and a coupling 19 for coupling the first three way valve 17 to the second three way valve 18 capable of causing the first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, or entirely through the second strainer chamber 13, or through both the first strainer chamber 12 and the second strainer chamber 13 simultaneously since each valve includes a flow recess capable of being aligned with all of the ports simultaneously an intermediate position (see FIG. 2).

With respect to claim 2, Oliver et al disclose a divider disposed within the housing between the first three way ball valve 17 and the second three way ball valve 18 forming upper and lower chambers within the housing, the first and third

Art Unit: 1724

ports communicating solely with the upper chamber and the second and fourth ports communicating solely with the lower chamber.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al in view of Rea et al.

With respect to claim 1, Oliver et al discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a first three way ball valve 17 for controlling flow between the first and third ports, and a second three-way ball 18 valve for controlling the flow between the second and fourth ports, and a coupling 19 for coupling the first three way valve 17 to the second three way valve 18 capable of causing the first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, entirely through the second strainer

chamber. Oliver et al fail to specify flow through the first strainer chamber and the second strainer chamber simultaneously. Rea et al disclose an analogous filter including a ball valve 20 and suggests that such ball valve permits flow through both strainer chambers simultaneously thereby providing an increased flow rate of filtered fluid (see FIG. 6c). It would have been obvious to have modified the filter of Oliver et al so as to have included ball valves as suggested by Rea et al in order to permit flow through both strainer chambers simultaneously to increase the flow rate of filtered fluid.

With respect to claim 2, Oliver et al disclose a divider disposed within the housing between the first three way ball valve 17 and the second three way ball valve 18 forming upper and lower chambers within the housing, the first and third ports communicating solely with the upper chamber and the second and fourth ports communicating solely with the lower chamber.

With respect to claim 4, Oliver et al discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a valve control including a first three way valve 17 for controlling flow between the first and third ports, and a second three-way valve 18 for controlling the flow between the second and fourth ports, and a coupling 19 for coupling the first three way valve 17 to the second three way

Art Unit: 1724

valve 18 capable of causing the first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, entirely through the second strainer chamber, the coupling including a first square recess formed in the first three way valve, a second square recess formed in the second three way valve, and a shaft 19, the shaft including first and second square ends with the first square end being received in the first square recess and the second square end being received in the second square recess. Oliver et al fail to specify flow through the first strainer chamber and the second strainer chamber simultaneously. Rea et al disclose an analogous filter including a ball valve 20 having a notch 21 and a shaft having a flange 15b received in the notch and suggests that such ball valve design permits flow through both strainer chambers simultaneously thereby providing an increased flow rate of filtered fluid (see FIG. 6c). It would have been obvious to have modified the filter of Oliver et al so as to have included ball valves as suggested by Rea et al in order to permit flow through both strainer chambers to increase the flow rate of filtered fluid.

Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al in view of Rea et al and Elliott.

With respect to claim 3, Oliver et al and Rea et al disclose the first strainer chamber 12 and being formed unitarily with the housing but fail to specify the second strainer chamber as being detachably mounted to the housing. Elliott discloses the concept of providing a first strainer chamber and housing that are

Art Unit: 1724

unitary (e.g., the left hand section including the inlet 4 and outlet 5 shown in FIG. 1 or FIG. 4) and a second strainer housing (e.g., the right hand section) that is detachably mounted to the housing and suggests that such an arrangement facilitates construction and repair of the filter. It would have been obvious to have modified the combination suggested by Oliver et al and Rea et al so as to have included a housing that was unitary with the first strainer chamber and a second strainer chamber that was detachably mounted to the housing as suggested by Elliott in order to facilitate construction and repair of the filter.

With respect to claim 5, Oliver et al discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a valve control including a first three way valve 17 for controlling flow between the first and third ports, and a second three-way valve 18 for controlling the flow between the second and fourth ports, and a coupling 19 for coupling the first three way valve 17 to the second three way valve capable of causing the first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, entirely through the second strainer chamber, the first strainer chamber 12 being formed unitarily with the housing, a divider (e.g., the portion between the ball valves) disposed within the housing

Art Unit: 1724

forming upper and lower chambers within the housing, the coupling including a first square recess formed in the first three way valve, a second square recess formed in the second three way valve, and a shaft 19, the shaft including first and second square ends with the first square end being received in the first square recess and the second square end being received in the second square recess, the shaft extending through the divider. Oliver et al fail to specify flow through the first strainer chamber and the second strainer chamber simultaneously. Rea et al disclose an analogous filter including a ball valve 20 having a notch 21 and a shaft having a flange 15b received in the notch and suggests that such ball valve design permits flow through both strainer chambers simultaneously thereby providing an increased flow rate of filtered fluid (see FIG. 6c). It would have been obvious to have modified the filter of Oliver et al so as to have included ball valves as suggested by Rea et al in order to permit flow through both strainer chambers to increase the flow rate of filtered fluid. Oliver et al and Rea et al fail to specify the limitation of the second strainer chamber as being detachably mounted to the housing. Elliott discloses the concept of providing a first strainer chamber and housing that are unitary (e.g., the left hand section including the inlet 4 and outlet 5 shown in FIG. 1 or FIG. 4) and a second strainer housing (e.g., the right hand section) that is detachably mounted to the housing and suggests that such an arrangement facilitates construction and repair of the filter. It would have been obvious to have modified the combination suggested by Oliver et al and Rea et al so as to have included a housing that was unitary with the first strainer chamber and a second strainer chamber that was detachably

Art Unit: 1724

mounted to the housing as suggested by Elliott in order to facilitate construction and repair of the filter.

With respect to claim 6, Oliver et al discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a valve control including a first three way ball valve 17 for controlling flow between the housing and first and third ports, and a second three-way ball valve 18 for controlling the flow between the second and fourth ports, a divider disposed within the housing between the first three-way ball valve 17 and the second three-way ball valve 18 forming upper and lower chambers in the housing, the first and third ports communicating solely with the upper chamber and the second and fourth ports communicating solely with the lower chamber within the housing, and a coupling 19 for coupling the first three way ball valve 17 to the second three way ball valve capable of causing the first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, or entirely through the second strainer chamber, the first strainer chamber 12 being formed unitarily with the housing. Oliver et al fail to specify flow through the first strainer chamber and the second strainer chamber simultaneously. Rea et al disclose an analogous filter including a ball valve 20

Art Unit: 1724

design that permits flow through both strainer chambers simultaneously thereby providing an increased flow rate of filtered fluid (see FIG. 6c). It would have been obvious to have modified the filter of Oliver et al so as to have included ball valves as suggested by Rea et al in order to permit flow through both strainer chambers to increase the flow rate of filtered fluid. Oliver et al and Rea et al fail to specify the limitation of the second strainer chamber as being detachably mounted to the housing. Elliott discloses the concept of providing a first strainer chamber and housing that are unitary (e.g., the left hand section including the inlet 4 and outlet 5 shown in FIG. 1 or FIG. 4) and a second strainer housing (e.g., the right hand section) that is detachably mounted to the housing and suggests that such an arrangement facilitates construction and repair of the filter. It would have been obvious to have modified the combination suggested by Oliver et al and Rea et al so as to have included a housing that was unitary with the first strainer chamber and a second strainer chamber that was detachably mounted to the housing as suggested by Elliott in order to facilitate construction and repair of the filter.

Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliver et al in view of Elliott.

With respect to claim 3, Oliver et al and Rea et al disclose the first strainer chamber 12 and being formed unitarily with the housing but fail to specify the second strainer chamber as being detachably mounted to the housing. Elliott discloses the concept of providing a first strainer chamber and housing that are

Art Unit: 1724

unitary (e.g., the left hand section including the inlet 4 and outlet 5 shown in FIG. 1 or FIG. 4) and a second strainer housing (e.g., the right hand section) that is detachably mounted to the housing and suggests that such an arrangement facilitates construction and repair of the filter. It would have been obvious to have modified the combination suggested by Oliver et al and Rea et al so as to have included a housing that was unitary with the first strainer chamber and a second strainer chamber that was detachably mounted to the housing as suggested by Elliott in order to facilitate construction and repair of the filter.

With respect to claim 6, Oliver et al discloses a duplex strainer for straining a fluid comprising a housing having an inlet port 15 and an outlet port 16 (see FIGS. 1 and 2), a first strainer chamber 12 having first and second ports in separate fluid communication with the housing (e.g., the flow passages facing the valves 17 and 18, respectively), a second strainer chamber 13 having a third port and facing the first port and a fourth port facing the second port in separate fluid communication with the housing, a valve control including a first three way ball valve 17 for controlling flow between the housing and first and third ports, and a second three-way ball valve 18 for controlling the flow between the second and fourth ports, a divider disposed within the housing between the first three-way ball valve 17 and the second three-way ball valve 18 forming upper and lower chambers in the housing, the first and third ports communicating solely with the upper chamber and the second and fourth ports communicating solely with the lower chamber within the housing, and a coupling 19 for coupling the first three way ball valve 17 to the second three way ball valve capable of causing the

Art Unit: 1724

first three way ball valve and the second three way ball valve to move in unison, and capable of causing fluid to flow either entirely through the first strainer chamber 12, or entirely through the second strainer chamber, the first strainer chamber 12 being formed unitarily with the housing. or through both the first strainer chamber and the second strainer chamber simultaneously since each valve includes a flow recess capable of being aligned with all of the ports simultaneously an intermediate position (see FIG. 2). Oliver et al fails to specify the limitation of the second strainer chamber as being detachably mounted to the housing. Elliott discloses the concept of providing a first strainer chamber and housing that are unitary (e.g., the left hand section including the inlet 4 and outlet 5 shown in FIG. 1 or FIG. 4) and a second strainer housing (e.g., the right hand section) that is detachably mounted to the housing and suggests that such an arrangement facilitates construction and repair of the filter. It would have been obvious to have modified the filter Oliver et al so as to have included a housing that was unitary with the first strainer chamber and a second strainer chamber that was detachably mounted to the housing as suggested by Elliott in order to facilitate construction and repair of the filter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number

Art Unit: 1724

is (571) 272-1146. The examiner can normally be reached on Monday-Friday,
6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Wanda W. Walker can be reached on (571) 272-1151.

The fax phone number for the organization where this application or proceeding
is assigned is 703-872-9306.

Matthew O. Savage
Matthew O Savage
Primary Examiner
Art Unit 1723

mos
October 5, 2004